



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5017-01
15 January 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 January 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 5 December 1972 at the age of 18. Your record reflects that on 18 July and again on 18 October 1973 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty. On 25 January and 23 September 1974 you received NJP for failure to go to your appointed place of duty and absence from your appointed place of duty. On 21 November 1974 you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling 17 days and were sentenced to a \$225 forfeiture of pay.

Your record further reflects that on 25 February 1976 you were convicted by special court-martial (SPCM) of five periods of UA totalling 364 days. You were sentenced, as mitigated, to confinement at hard labor for 38 days, a \$700 forfeiture of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, you were so discharged on 17 September 1976.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and post service conduct. The Board also considered your request for a general discharge because you contend that you were only UA for a week or less, and returned to your duty station on your own. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in four NJPs and two court-martial convictions. The Board especially noted your seven periods of UA totalling 381 days. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director